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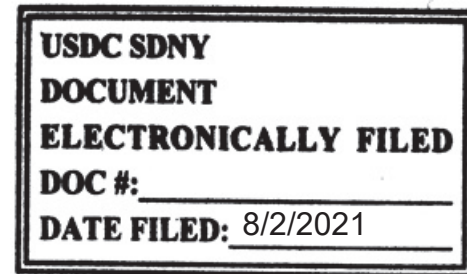
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July 30, 2021

Via ECF

Hon. Robert W. Lehrburger, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: Extension of Time to Jointly-Propose a Pretrial Order

Geng v. Shu Han Ju Restaurant II Corp, No. 18-cv-12220 (RWL), (S.D.N.Y.)

Your Honor,

We represent the Plaintiffs in the above-referenced matter. We write respectfully to request an extension of time, from July 30, 2021 to August 9, 2021 to submit a pretrial order jointly with Defense counsel. The reason for our request is twofold. First, it is not clear from the record whose rules the pretrial order should follow, Your Honor's or Judge Engelmeyer's. Second, we have not received Defendants' portion of the pretrial order for submission.

Applicable Rules

In the initial case management order (*see* Dkt. No. 16), the parties consented to trial before Your Honor. And throughout the case the parties have addressed correspondence and requests for rulings to Your Honor. However, upon review of the docket, it appears that the parties did not execute a form AO-85 consenting to Your Honor's jurisdiction, and Judge Engelmeyer remains assigned to this case. Your Honor's and Judge Engelmeyer's rules differ in significant respects: for instance, Your Honor's rules require a statement of damages; a requested amount of time for openings; a schedule for counsel to notify each other of witness order; and a schedule for counsel to exchange demonstratives, while Judge Engelmeyer's do not.

In an effort to clear the confusion, I emailed Defense counsel Ronald Terenzi at 11:21 hours this morning (July 30, 2021) attaching an AO-85 executed and asking him to execute same on behalf of Defendants. *See* Ex. 1. I did not hear back. I called Defense counsel at 17:57 hours today (July 30, 2021) to confer, but my call was not picked up. I left a voicemail, but have not received a call back.

Defendants' Portion

Notwithstanding the confusion over whose rules to follow, I emailed Defense counsel a proposed pretrial order conforming to Your Honor's rules at 18:31 hours today (July 30, 2021), but haven't heard back. Given Defense counsel's nonresponse to the 11:21 email or the 17:57 telephone call, I don't expect to hear back today. Accordingly, the pretrial order is currently missing Defendants' portion.

Hon. Robert W. Lehrburger, U.S.M.J.

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Therefore, we respectfully request an extension of time from July 30, 2021 to August 9, 2021 to submit a pretrial order. I am both on trial in one case and have a voluminous summary judgment brief due in another case the week of August 2, 2021.

We thank the Court for its attention to and consideration of this matter.

Respectfully submitted,
TROY LAW, PLLC

/s/ Aaron B. Schweitzer

Aaron Schweitzer

Attorney for Plaintiffs

cc: via ECF
all counsel of record
/asb

SO ORDERED:

8/2/2021

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

